



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER OF PATENTS AND TRADEMARKS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/390,420	09/03/1999	BARRY W. FIELD	062891.0368	6854

7590 05/21/2003

BAKER & BOTTS L L P  
2001 ROSS AVENUE  
DALLAS, TX 752012980

EXAMINER

BLOUNT, STEVEN

ART UNIT

PAPER NUMBER

2661

DATE MAILED: 05/21/2003

10

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/390,420

Applicant(s)

Examiner

Blount

Group Art Unit

2661

—The MAILING DATE of this communication appears on the cover sheet beneath the correspondence address—

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, such period shall, by default, expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

## Status

- ☒ Responsive to communication(s) filed on Telephone Message/Interview on 4/17/03
- ☒ This action is FINAL.
- ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

## Disposition of Claims

- ☒ Claim(s) 1-28 is/are pending in the application.
- Of the above claim(s) is/are withdrawn from consideration.
- ☐ Claim(s) is/are allowed.
- ☒ Claim(s) 1-28 is/are rejected.
- ☐ Claim(s) is/are objected to.
- ☐ Claim(s) are subject to restriction or election requirement.

## Application Papers

- ☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.
- ☐ The proposed drawing correction, filed on \_\_\_\_\_ is ☐ approved ☐ disapproved.
- ☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.
- ☐ The specification is objected to by the Examiner.
- ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119 (a)-(d)

- ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
  - ☐ All ☐ Some\* ☐ None of the CERTIFIED copies of the priority documents have been received.
  - ☐ received in Application No. (Series Code/Serial Number) \_\_\_\_\_
  - ☐ received in this national stage application from the International Bureau (PCT Rule 1.7.2(a)).

\*Certified copies not received: \_\_\_\_\_

## Attachment(s)

- ☒ Information Disclosure Statement(s), PTO-1449, Paper No(s). 5
- ☒ Interview Summary, PTO-413
- ☒ Notice of Reference(s) Cited, PTO-892
- ☐ Notice of Informal Patent Application, PTO-152
- ☐ Notice of Draftsperson's Patent Drawing Review, PTO-948
- ☐ Other \_\_\_\_\_

Office Action Summary

Art Unit: 2661

### DETAILED ACTION

1. The examiner appreciates the applicants help in locating the IDS references at the patent office, as applicants response to the notice of non-responsive amendment that the examiner sent on 1/8/03.

#### *Claim Rejections - 35 U.S.C. § 103*

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 17 and 22 are rejected under 35 U.S.C. 103(a) as being obvious over U.S. patent number U.S. patent 6,212,202 to Radimirsch et al.

With regard to claim 17, Radimirsch et al teaches, in figure 3, superframe 74/75 with cells comprised of signaling information as taught in col 8, lines 33 - 34. Radimirsch et al does not however explicitly teach that the 48 bytes of storage contain information data in addition to the signaling information. However, it would be obvious to one of ordinary skill in this art to utilize this large amount of storage space for information including non-signaling data as well. In addition, while Radimirsch et al does not explicitly teach that the signaling information is of a reduced rate, Official Notice is taken that signaling information (such as on/off signaling values) is often used in ATM systems such as that that described in Radimirsch et al.

Art Unit: 2661

With regard to claim 22, see figure 3 and note that carrying the signaling data in multiples of cells would be obvious in that it would make the most use of the resources.

4. Claims 1 - 16, 18 - 21, and 23 - 28 are rejected under 35 U.S.C. 103(a) as being obvious over applicants admitted prior art (AAPA) in view of U.S. patent number 6,212,202 to Radimirsch and U.S. patent number 6,243,382 to O'Neill et al.

With regard to claim 1, AAPA teaches the problems (jitter, clumping, and the inefficiencies associated with the frame size not corresponding to the payload size (see page 5, 1st paragraph) associated with carrying signaling (IE, the second components) "out of band" from the first components (IE, the data) when having "bulk insertion of such information after each superframe" (page 5, lines 9+ of the application).

AAPA does not, however, teach segmenting the first components into streams of cells and distributing the second (signaling) components in a payload of each of the cells.

O'Neill teaches segmenting interhost communication messages generally to fit in an ATM payload. See col 2, lines 26+. Radimirsch teaches distributing second (signaling) components in the payload portion of ATM data cells. See col 8, lines 30 - 35.

It would have been obvious to one of ordinary skill in the art at the time of the invention to have segmented the first components of AAPA into successive cells wherein the cells carry the signaling information in the payload, in light of the teachings of O'Neil and Radimirsch et al, in order to prevent jitter, clumping, and "improve(ing) the data transmission rate" (col 2, lines 4+ of Radimirsch et al).

Art Unit: 2661

Claim 2: even distribution: see figure 3 of Radimirsch (hereinafter R). Claim 3: the fact that the cells are all occupied in R (fig 3) suggests segmentation (via O'Neil) into fixed positions. Claim 4: slot 74 can be considered to be a superframe. Claim 5: as detailed above, the second (signal) portion of the cells is carried in the cell payload. Claim 6: the reduced rate component of AAPA is carried at the end of a superframe. Claim 7: note the discussion of CAS signals on page 3 of the application. Claim 8: DS-0 and CAS values are taught on page 3 of AAPA. Claim 9: AAPA uses ATM cells. Claim 10: DS-0/CAS/ATM is taught in AAPA, page 3. Claim 11: note the use of CAS values in AAPA, and signaling information in the ATM cell as mentioned in R. Claim 12: 4-bit sequence counts as control information (CAS) is mentioned in line 18, page 3, of AAPA. Claim 13: see col 2, lines 55 - 60 of R. Claim 14: see the rejection of claim 1 above, and the DS-0, CAS, and AAL elements mentioned in AAPA. Claims 15 - 16: the number of cells chosen to be in the superframe would obviously vary depending upon transmission conditions, and it would be obvious to one skilled in the art to choose that number of cells depending upon these conditions. Claim 18: see rejection of claim 17 above, and DS-0 and CAS elements discussed in AAPA. Claim 19: see rejection of claim 3 above. Claim 20: see rejection of claim 6. Claim 21: see rejection of claim 7. Claim 22: see figure 3 of R, and col 8 lines 33+ of R. Claim 23: note the apparatus of O'Neill, and also figure 3 of R. Claim 24: see figure 3 of R. Claim 25: see rejection of claim 17 above. Claim 26: see col 8, lines 33+ of R. Claim 27: see the CAS, DS-0, and ATM elements mentioned in AAPA, page 3. Claim 28: see the rejection of claim 12 above.

Art Unit: 2661

5. Applicant's arguments with respect to the above claims have been considered but are moot in view of the new ground(s) of rejection.

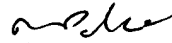
6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CAR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CAR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

SB



5/13/03

  
APPROVED  
5/13/03